

examination, and not prosecution, Applicant assumes that the requirement is an election of species. Therefore, pursuant to MPEP §803.02, Applicants note that with the provisional election of a single species, should no prior art be found that anticipates or renders obvious the elected species, the search of the Markush-type claims will be extended.

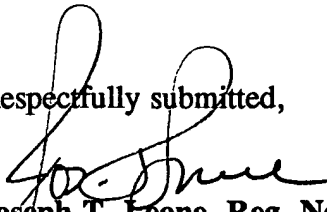
Moreover, MPEP §803.02 also states that if the members of a Markush group are sufficiently small in number, or closely related, so that the entire claim can be examined without "serious" burden, the examiner "must" examine the entire claim set on the merits. Applicants note that all of the DNA molecules recited in the application encode human tryptases and they are thus very closely related. Claims 7 and 8 are dependent upon claim 1 and, given all of the limitations of claim 1, it is clear that the members of the Markush groups of claims 7 and 8 are related. Without taking a position on the patentable distinctness of the restricted species, Applicants point out that all of the differences between the proteins encoded by the recited DNA molecules are point mutations at one or more of amino acid positions 44, 91, and 194. Therefore, at most, the various claimed DNA molecules differ by 3 codons. Applicants therefore submit that searching all of the recited DNA molecules does not place a "serious" burden upon the Office.

Applicants therefore traverse the supplemental Election of Species requirement and respectfully request that it be withdrawn.

CONCLUSION

For the reasons stated above, Applicants respectfully traverse the restriction requirement in its entirety. As required by the rules, however, Applicants provisionally elect, with traverse, SEQ. ID. NO: 20.

Respectfully submitted,


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